



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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Mr. Don Hultman, Refuge Manager
Upper Mississippi River NW&FR
51 E. Fourth St., Room 101
Winona, MN 55987

Subject: Comprehensive Conservation Plan Comments

Dear Mr. Hultman:

Thank you for the opportunity to comment on the Comprehensive Conservation Plan (CCP) for the Upper Mississippi River Wildlife and Fish Refuge. The Upper Mississippi is one of the true jewels of the Midwest and the Fish and Wildlife Service's concern for the River's natural resources is deeply appreciated by our department.

We are aware that you will be developing a new preferred alternative this fall. The following comments primarily refer to the Alternative D, although we also have several important general comments on the CCP.

General CCP Comments

We salute your public outreach efforts on this plan to date and urge the USFWS to continue the public dialogue and work closely and in concert with the public and all the agencies involved with the development and implementation of any proposed changes. The public involvement associated with the release of this plan has been one of the largest ever witnessed from the river public. Although much of the initial response was negative, the workshops helped to bring that large group together to talk and help find solutions. This new found enthusiasm for the river should be cultivated to allow a greater interaction and relationship with the public on current and upcoming Upper Mississippi River issues. We offer our assistance to help you and the large public audience you have energized, to develop the next steps in a positive manner.

As you are aware, the State of Wisconsin reserved certain rights, under sec. 1.035, Wis. Stats., when the Upper Mississippi River Refuge was created. These rights remain critically important to us yet today. As such, *Wisconsin reserves the right to provide free and open navigation to the residents of the state in all waters of the state including the Mississippi River. In addition, Wisconsin reserves the right to regulate fishing in all waters of the state including the Mississippi River.*

We strongly support your emphasis on habitat and habitat management. However, we believe the plan should be broadened to include the larger ecosystem, including fisheries. The refuge's original authorizing language makes it clear that the Upper Mississippi should address the needs of multiple species within the Upper Mississippi River without limiting the emphasis to waterfowl and other migratory bird species. The CCP needs to be strengthened in this area.

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We believe the Plan needs to thoroughly discuss efforts to address all rare and declining species and their habitats. All border states have recently identified these as "Species of Greatest Conservation Need" within their nearly completed "Comprehensive Wildlife Conservation Strategies". All states have been charged by Congress via The Fish and Wildlife Service to author these plans with the purpose of keeping species from becoming federally listed. In addition to migratory birds and turtles, the Upper Mississippi River is a major repository for rare fish and freshwater mussels and can play a critical role in the conservation of the Midwest's biodiversity. Wisconsin has identified numerous "Species of Greatest Conservation Need" that largely depend on the Mississippi River floodplain and associated habitats to survive. Because of this, our state is poised to work closely with and coordinate efforts to conserve these species. Specifically, the Service should emphasize coordinating efforts with respective states to protect and enhance identified "Species of Greatest Conservation Need" and their habitats.

We believe a Law Enforcement step-down plan should be added to the other 13 step-down plans proposed, particularly since there is no law enforcement plan for the Refuge at present. We appreciate the work the refuge officers are already doing. However, we see a need to focus their efforts on new and existing refuge regulations to leverage law enforcement resources, rather than to duplicate the efforts of State officers. Wisconsin DNR Wardens will not be able to enforce many of the rules proposed, particularly public recreation restrictions, since they are prohibited from holding Federal law enforcement credentials and many proposed changes would not be codified in State statutes or Administrative Code and therefore could not be enforced.

The Wisconsin DNR is pleased to read about your intention to update the Land Use Allocation Plan (LUAP) in cooperation with the U.S. Army Corps of Engineers and other public agencies. Keeping a high proportion of the Upper Miss. Refuge available for public recreation will remain important to the citizens of all the bordering states. We recommend the USFWS consider a land acquisition boundary expansion for the Refuge, beyond the boundary established in the 1987 master plan. By working with "willing sellers only" we hope you can purchase or establish long term conservation easements on more than the 1000 acres per year referenced in the CCP.

We suggest you update the public use figures and economic data for the Refuge. We believe the economic information depicted in Table 24 and section 3.4.2, are off by a significant margin. It is our understanding that the numbers generated by Caudill 2004, was done by using the Economics of Recreation study (1990). Based on numerous recreational studies done during the last 15 years we would expect recreation use and economic benefit numbers to increase not decrease as this section seem to indicate. We have generated numbers for the 19 counties and these numbers are very different from your numbers. For the region, using the 1990 data (old data) we calculated the direct and indirect economic benefit to be 4,582 jobs, \$254,560,000.00 generated and 7,636,800 daily visits. On a national basis, we calculated the jobs generated are 11,773, \$763,680,000.00 generated and 10,320,000 daily visits. Since the document does not contain any specifics on how the numbers were generated, we will need additional information on your estimate.

Comments on Alternative D

We support the concept of Paddle/Electric motor areas for resource protection reasons and/or to provide a diversity of recreational experiences. However, we would withdraw that support on the Refuge unless the USFWS works closely with the public to delineate the boundaries of these areas. The Department is well aware of the strong public opposition this proposal has received, and believes the concept needs to be publicly supported. Furthermore, USFWS must consider the impact on commercial fishing, evaluate seasonal closures and consider boundary changes as options to the proposal in Alternative D.

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Wisconsin DNR recognizes the importance of Closed Areas to waterfowl management and supports the "steppingstone" theory of spacing. Proposed boundary or location changes will need to be developed in close cooperation with the public and other agencies, particularly in pools 4, 7 and 10. Of specific concern to Wisconsin residents is the significant increase in Closed Areas within our border waters. We understand that high quality habitat is located within Wisconsin, but Closed Area changes in Alternative D result in an unfair loss of recreational opportunity for our residents, especially in pools 4 and 10. We have an additional concern with the northward expansion of the Goose Island no hunting zone in pool 8. It should not restrict deer hunting since this area funnels deer entering and leaving the overpopulated Goose Island County Park. This important deer hunting (especially bowhunting) area must remain available to help manage the large deer herd and minimize disease concerns.

Closed areas must remain open to fishing during the waterfowl season as we believe closing them to fishing would violate the intent of the Wisconsin legislation allowing establishment of the Refuge. *Therefore, as an alternative to closing fishing in the Closed Areas of the refuge we would like to work with you to craft a phased approach for providing necessary sanctuary for waterfowl while still allowing fishing and appropriate navigation in the Closed Areas. Alternative approaches may include but are not limited to voluntary closed areas, slow-no-wake, electric trolling motor with travel lanes for motored craft and no motor areas. Any options that involve reallocating production or uses from one refuge purpose to another (e.g. waterfowl production at the expense of fishing or fish habitat restoration) should be supported by adequate cost-benefit alternatives analysis which includes reasonable estimates of what changes in production or use are expected. If such information is not available, the options should be scientifically evaluated in a suitable pilot study prior to widespread implementation.*

One further comment on the concept of steppingstone habitat: we also believe the approach should be applied to all species within the ecosystem, including the fishery. Many studies have documented the migratory movement of fish and depending on the species guild these steppingstones can be spaced from a few to several thousand miles apart. We must manage for fisheries' needs as well as avian needs, since they are all trust species. We are also seeking your assurance that the FWS will no longer oppose the construction of cost-effective fisheries habitat structures within refuge closed areas. We believe this habitat work is vital to the stepping stone concept.

We believe your final management decision for non-motorized and closed areas must address both commercial fish and biological monitoring concerns. Commercial fishing is a business for some residents in the states along the refuge, and in both of these areas the ability to fish would be eliminated. Late fall is an important time of year to commercially fish due to the market value and schooling of fish in cooling waters. Additionally, biologists from the southern region of the Upper Mississippi River suggest that the best time to catch silver and bighead carp is in the fall. Therefore, it is important for the USFWS to include a provision for commercial fishing to meet the needs of this business sector and provide a mechanism for possible management of invasive species. The second concern is that Wisconsin DNR river managers and researchers need to be able to do our biological monitoring work within any Non-Motorized Areas and Closed Areas. Our department has a continuing need to gather important natural resources data in these areas. Our staff must have the ability to do this with motorized boats. We request that the final CCP explicitly authorize our department, as well as, other state fish and wildlife agencies to enter these special designation areas for this work. We recognize that we have an obligation to minimize any disruption to these special designation areas, but the work must be done.

We strongly urge that furbearer trapping continue on the Refuge for biological and social reasons. Although it is not one of the "big 6" uses, trapping is included in the original statement of purpose for this refuge.

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We support establishment of Hiking Trails, Canoe Trails and Observation Platforms to provide recreational and educational opportunities to a wide variety of users. However, we believe that these activities can occur without precluding hunting. Most of Wisconsin trails allow hunting adjacent to them and users are notified by signs and news releases.

Other specific comments

Open Water Hunting:

Wisconsin DNR supports Objective 4.3, #3, the elimination of Open Water Hunting in the refuge. Pool 11 (river miles 586-591) is the only area on the Refuge in Wisconsin where this type of hunting is allowed.

Specific Regulation Changes:

We feel obligated to inform you that if the USFWS decides to move forward with the 25 shot shell limit, 100-yard spacing, camping rules and managed hunts, the state may not enact complementary state regulations. These changes would have to go through our rule making process, which would involve considerable public input and Natural Resources Board approval. The USFWS must also realize that slow no wake zones in Wisconsin may only be enforced if local units of government have established them and the zones are properly marked.

Beach Use and Management:

Wisconsin DNR believes that recreational uses on the Mississippi River, such as beach use, camping and boating should continue in their current form and we are eager to start the beach planning process again. Specifically, we believe that empty dredge material sites, known as "bathtubs", should be open to the public. Public use of these areas has little effect on wildlife habitat as the areas are already highly disturbed. Our Conservation Wardens prefer the availability of "bathtub" beach use because it concentrates the "party crowd" away from other users and sensitive natural resource areas. We understand the concern with human waste at bathtub beaches (and all beaches for that matter) and believe that an educational campaign may be the best way to address the issue at this time. We would certainly be willing to work with you to address the human waste issue.

Beach related uses were assessed and assigned a compatibility determination. Within Alternative D, the beaches will remain open-unless-closed, which is a reasonable approach to start the planning process. The step-down plan should include long term partnership teams, like the Recreation Work Group, to assess beach designation and management. As these teams assess the beach designations, they can consider whether such designations as Day-Use only, No-alcohol and Closed beaches are appropriate. This beach planning process should also provide the public with the opportunity to comment during the process and when recommendations are made.

Wisconsin DNR supports two additional points regarding beach management. We support your definition of intoxication and believe it is reasonable since it reflects the laws in the adjoining states. Wisconsin DNR also supports the public in their call for the prohibition of glass containers on the Refuge and Corps of Engineers lands. It is a responsible action to help protect river users and wildlife on the river.

Thank you again for the opportunity to review and comment on the Draft Comprehensive Conservation Plan for the Upper Mississippi River Wildlife and Fish Refuge. It is an ambitious plan. I hope our

comments are helpful in crafting your final preferred alternative. We will look forward to reviewing the revised management alternative (E) and EIS amendment when they become available.

Sincerely,


Scott Hassett
Secretary

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- Laurie Osterndorf, WDNR, GEF II - AD/5
- Tom Hauge, WDNR, GEF II – WM/6
- Signe Holtz, WDNR, GEF II – ER/6
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